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HOUSE BILL 118

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Miguel P. Garcia

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO PROPERTY TAX; ALLOWING COMMUNITY LAND GRANTS THAT ARE POLITICAL SUBDIVISIONS OF THE STATE A RIGHT OF FIRST REFUSAL AT PUBLIC AUCTIONS FOR PROPERTY LOCATED WITHIN LAND GRANT BOUNDARIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-38-67 NMSA 1978 (being Laws 1973, Chapter 258, Section 107, as amended) is amended to read:

"7-38-67. REAL PROPERTY SALE REQUIREMENTS.--

A. Real property shall not be sold for delinquent taxes before the expiration of three years from the first date shown on the tax delinquency list on which the taxes on the real property became delinquent.

B. Notice of the sale shall be published in a local newspaper within the county where the real property is located

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1 or, if there is no local county or municipal newspaper, then a
2 newspaper published in a county contiguous to or near the
3 county in which the real property is located, at least once a
4 week for the three weeks immediately preceding the week of the
5 sale. For more generalized notice, the department may choose
6 to publish notice of the sale also in a newspaper not published
7 within the county and of more general circulation. The notice
8 shall state the time and place of the sale and shall include a
9 description of the real property sufficient to permit its
10 identification and location by potential purchasers.

11 C. Real property shall be sold at public auction
12 either by the department or an auctioneer hired by the
13 department. The auction shall be held in the county where the
14 real property is located at a time and place designated by the
15 department.

16 D. If the real property can be divided so as to
17 enable the department to sell only part of it and pay all
18 delinquent taxes, penalties, interest and costs, the department
19 may, with the consent of the owner, sell only a part of the
20 real property.

21 E. Before the sale, the department shall determine
22 a minimum sale price for the real property. In determining the
23 minimum price, the department shall consider the value of the
24 property owner's interest in the real property, the amount of
25 all delinquent taxes, penalties and interest for which it is

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1 being sold and the costs. The minimum price shall not be less
2 than the total of all delinquent taxes, penalties, interest and
3 costs. Real property shall not be sold for less than the
4 minimum price unless no offer met the minimum price when it was
5 offered at an earlier public auction or the property is sold in
6 accordance with the provisions of Subsection H of this section.
7 A sale properly made under the authority of and in accordance
8 with the requirements of this section constitutes full payment
9 of all delinquent taxes, penalties and interest that are a lien
10 against the property at the time of sale, and the sale
11 extinguishes the lien.

12 F. Payment shall be made in full by the close of
13 the public auction before an offer may be deemed accepted by
14 the department.

15 G. Real property not offered for sale may be
16 offered for sale at a later sale, but the requirements of this
17 section and Section 7-38-66 NMSA 1978 shall be met in
18 connection with each sale.

19 H. A bid by the board of trustees of a community
20 land grant-merced governed pursuant to the provisions of
21 Chapter 49, Article 1 NMSA 1978 [~~or by statutes specific to the~~
22 ~~named land grant-merced~~] as a political subdivision of the
23 state shall be [~~allowed to match~~] considered the highest bid at
24 a public auction, which shall entitle the board of trustees to
25 purchase the property for the amount bid if:

.164278.1

1 (1) the property is situated within the
2 boundaries of that land grant-merced as shown in the United
3 States patent to the grant;

4 (2) the bid covers all past taxes, penalties,
5 interest and costs due on the property; and

6 (3) the land becomes part of the common lands
7 of the land grant-merced."

8 Section 2. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2007.

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